

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

CSX TRANSPORTATION, INC.,)
individually and on behalf of NORFOLK)
& PORTSMOUTH BELT LINE)
RAILROAD COMPANY,)

Plaintiff,)

v.)

Case No. 2:18-cv-530

NORFOLK SOUTHERN RAILWAY)
COMPANY, NORFOLK & PORTSMOUTH)
BELT LINE RAILROAD COMPANY,)
JERRY HALL, THOMAS HURLBUT,)
PHILIP MERILLI, and CANNON MOSS,)

Defendants.)

**DEFENDANT NORFOLK SOUTHERN RAILWAY COMPANY’S
MOTION TO COMPEL DEPOSITIONS OF
PLAINTIFF CSX TRANSPORTATION, INC.’S DEONENTS**

NOW COMES Defendant Norfolk Southern Railway Company (“NSR”), by counsel, and pursuant to Rule 37 of the Federal Rules of Civil Procedure and Local Rule 37, hereby moves this Court for an Order compelling Plaintiff CSX Transportation, Inc. (“CSXT”) to produce for depositions the fact declarants from CSXT’s expert report on or before March 23, 2020. In support of this Motion, NSR refers this Court to its Memorandum in Support, filed contemporaneously with this Motion.

In accordance with Local Rule 37(E), NSR has made a good faith effort to resolve the issues raised in this Motion.

WHEREFORE, for the reasons stated in the accompanying Memorandum in Support of this Motion to Compel, NSR respectfully requests the Court: (1) order CSXT to produce for depositions the fact declarants from CSXT’s expert report on or before March 23, 2020.

Dated: March 13, 2020

Respectfully submitted,

NORFOLK SOUTHERN RAILWAY COMPANY

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CERTIFICATE OF SERVICE

I hereby certify that on March 13, 2020, I electronically filed a copy of the foregoing with the Clerk of Court using the CM/ECF system, which sent a notification of such filing (NEF) to the registered participants as identified on the NEF to receive electronic service, including:

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